

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FREDERICK H. SMITH,

Civil No. 06-5120 (JRT/FLN)

Plaintiff,

v.

**ORDER ON REPORT AND
RECOMMENDATION**

HENNEPIN COUNTY ATTS., *et al.*,

Defendants.

Frederick H. Smith, 180 Degrees Halfway House, 236 Clifton, Minneapolis, MN 55403, plaintiff *pro se*.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 9, 2007, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
2. This action is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$347.30, in accordance with 28 U.S.C. § 1915(b)(2); and
4. The dismissal of this action is counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

DATED: August 30, 2007
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge